

53B-8-107. Military member surviving dependents -- Tuition waiver.

(1) As used in this section, "qualifying deceased military member" means a person:

(a) who:

(i) is killed while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; or
(ii) dies of wounds or injuries received while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; and

(b) who:

(i) is a member of the armed forces of the United States and a Utah resident;
(ii) is a member of the reserve component of the armed forces on or after September 11, 2001, and a Utah resident; or
(iii) is a member of the Utah National Guard on or after September 11, 2001.

(2) This section shall be known as the Scott B. Lundell Military Survivors' tuition waiver.

(3) A state institution of higher education shall waive undergraduate tuition for a dependent of a qualifying deceased military member under the following conditions:

(a) the dependent has been accepted by the institution in accordance with the institution's admissions guidelines;

(b) except as provided in Subsection (4), the dependent is a resident student as determined under Section 53B-8-102;

(c) the dependent may not have already completed a course of studies leading to an undergraduate degree;

(d) the dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirements of the program in which the dependent is enrolled; and

(e) the dependent may not be excluded from the waiver if the dependent has previously taken courses at or has been awarded credit by a state institution of higher education.

(4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military member that was a member of the Utah National Guard is not required to be a resident student as determined under Section 53B-8-102.

(5) The tuition waiver in this section is applicable for undergraduate study only.

(6) The Department of Veterans' and Military Affairs, after consultation with the adjutant general if necessary, shall certify to the institution that the dependent is a surviving dependent eligible for the tuition waiver in accordance with this section.

(7) The waiver in this section does not apply to fees, books, or housing expenses.

(8) The State Board of Regents may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Amended by Chapter 214, 2013 General Session